G. R. S. 58]

Previous references.
Pris 33-11-2
6-15-1

Later references.
Pris 24-23 (1-2).

(Reserve

1915. 16
(Prisons)

File No. 8-15

Serial Nos. 9-12, 17 +21

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 9-12, 17 + 21

Part B for April 1916

SUBJECT.

Cases for Orders of Govt under Section 466 of the Code of Criminal Procedure Code

---

21) To the Sr Surgeon.
a Regr Ch. Cl.
J. 3802. 3 Of 24.3.16
Direct that the said Basavcah be confirmed in the Lunatic Asylum

W D 1851—GPE—20,000—18-12-13

Approved
19.4.16.

G. R. S. 11] 1915.

GENERAL AND REVENUE SECRETARIAT.

(Prisons)

NOTES.

File No. 8-1

FILE HEADING.

Cases for orders of Govt under Sec 466 of the Code of Criminal Procedure Code

From The Registrar, Chief Court

No. 2503/188 Dated 24-11-15 Received 27-11-15

Diary No. 1454 Enclos. 1 & record Spare Copies. — Serial No. 9

BRIEF ABSTRACT OF LETTER.

Forwards for orders of Govt copy of letter from the Sessions Judge, Bangalore, together with records, in the matter of Basavaiah, a lunatic.

NOTES AND ORDERS.

Basavaiah committed murder on 15-10-1911. During the investigation it was found that he was insane and he was confined in the Lunatic Asylum Tlle July last when on the Official Visitors of the Asylum petitioning

K Pris 33-11-2

J Pris 6-15-1

(Slip)

NOTES—First Sheet.

GPB—20,000-8-8-14

General and Revenue Secretariat. | Pris File No. 8 of 1915.

Serial No.

that he was capable of making his defence the case against him was proceeded with and he was committed on the 7th Feb 15 to stand his trial before the Court of Session. A week after his committal he showed signs of insanity and the Medical Officer of the B. C. Jail has certified that he is of unsound mind & incapable of making his defence. The Sessions Judge coming to the same conclusion has forwarded the record & reported the case for orders under 466 (b) of the Cr. Pro. Code.

2) A draft sanctioning is put up.

3) [It is a matter for consideration if the fact of unsoundness of mind has been tried as laid down in Sec 465 Cr. Pro. Code. No assessor appears to have been summoned and the only 'evidence' is the certificate of the Medical Officer who was not examined].

List 14

2/12/15 MM

4) The procedure seems irregular and the provisions of this Section does appear to have been complied with.

5) Please put up draft to the Registrar enquiring if the proceedings as the Sessions Judge may be considered sufficient.

Pris 3/12

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

R. S. 12]

General and Revenue Secretariat.

Cons File No. 8 of 1915.

Serial No.

6) Draft put up
3/12/15

7) Issue
Eg 3/12

Serial No. 10. To the Registrar, Chief Court no 2245 dt 13.12.15

Enquires if the notes of the Sessions Judge may be considered sufficient in the circumstances mentioned.

Serial No. 11. From the Same officer no 2940/223 dt 16/20 Dec 1915.

States that the procedure of the Sessions Judge was probably irregular and that it is considered inexpedient for the Chief Court to give advice in cases likely to go to them for decision.

8) Issues for orders. The Government above may perhaps be consulted as the Chief Court have refrained from giving a definite opinion.

21/12/15

9) Please put up draft-returning the papers for recording and judgment as required by law.

Eg 21/12

for 21/12

6) Draft put up.
27/12

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

250/1787

G. R. S. 12]

General and Revenue Secretariat. | Pros File No. 8 of 1915-16

Serial No.	
	Sw) 28/12/15
	1st Member
	Draft appd: by First member 15. 1. 16.
12	To the Registrar Chief Court no 3778 20-1-1916 Requests that the papers may be retransmitted for the orders of Govt. about recording the findings and judgments as required by law.
17.	From the Registrar, Chief Court, no 4348/326 11th/13 March 1916. Retransmits the records with finding of the Sessions Judge.
127	A draft sanctioning is put-up. Cases of orders of Govt. under Sec 466 or 471 of Code of Pro Code may be reported by Sessions Judge direct. A para has been added directing refere
G 21347-58 / 1494 of 6.6.1894	to this G.O. for future guidance of the Sessions Judge
	Copies of charge sheet &c have been furnished to the Senior Surgeon in charge of Female Hos

Cncl to paper mark disposal

NOTE.—Contn. sheet.

17/3/16

GPB—70,000—17-12-15

G. R. S. 12]

250'

General and Revenue Secretariat. | Pris File No. 8 of 1915.

Serial No.

13) For favour of approval
Es
173

Extraordinary Member

Draft approved by the Extraordinary Member
21.3.16 Hue

Issue
Es
21/3

21 To The Senior Surgeon
The Registrar Ch. Court
No. J 3802-3 dt 24-3-16
Direct that the said Basavaraj be confined in the Lunatic Asyl

NOTE—Contn. sheet.

GPI;—70,000—17-12-15

No. 2503/188 Incl in the records

Chief Court of Mysore,

Bangalore, dated 24th November 1915.

From

N. T. GOPALIENGAR, ESQ'., B. A., LL. B.,

Registrar of the Chief Court of Mysore

Bangalore.

DIARY No. J. 1452

1915-1916

SECTION Prisons

FILE No. 8-15

SERIAL No. 9

To

D. M. NARASINGA RAO, ESQ., B. A., B. L.,

Secretary to the Government of Mysore

General Department,

Bangalore.

Sir,

I am directed to forward herewith for the order of Government the copy of Letter No.2146/275 dated the 17th Instant received from the Sessions Judge, Bangalore Division, together with the records in Bangalore Sessions case No.4 of 1915-16, in the matter of Basaviah, a lunatic.

I have the honor to be,

Sir,

Your most obedient servant,

N. T. Gopaliengar

REGISTRAR.

M. S. I

1915-16

From

R. B. Plumer Esq., Bar-at-law,

District Judge, Bangalore Division.

To

N. T. Gopaliengar, Esq., B. A., LL. B.,

Registrar of the Chief Court of Mysore,

B a n g a l o r e .

Dated 17th November 1915.

General No. 2146/275

Sir,

Under Section 466 (2) of the Code of Criminal procedure, I have the honor to submit herewith for the orders of the Government of His Highness the Maharaja of Mysore, the entire records in Bangalore Sessions Case No.4 of 1915-16 (accused Basava) on the file of this court.

2. I beg to add that copies of the charge sheet and order of this court passed in the case and also copies of the medical cirtificate A and C have been forwarded this day to the Senior Surgeon in charge of the Lunatic Asylum, as required in Government Proceedings No.J 2902-11 Prisons 46-08-2 dated the 2nd April 1909.

I have etc.,

Sd/- R. B. Plumer,

Sessions Judge

'Copy'

N. Gopaliengar

Registrar.

M. S. L.

3/1

G.R.S. 26]

Pol. File No. 8-1

Serial No. 10

*Diary No. of letter replied to*_____

No. J 2245.
Encl. & file.

General and Revenue Secretariat

( )

, *the* 19 .

To

The Registrar, Chief Court

Sir

Date of issue 13/12/1915.

Signed by Sr. G. Srinivasa Iyengar

With reference to your letter No. 2503 / 188 J dated 24 Nov 1915 forwarding, for orders of Govt., the records in Bangalore Sessions Case no 1 of 1915 I am directed to state that the procedure adopted by the Sessions Judge in the case does not appear to be regular as the requirements of Sec 465 of the Code of Crim Pro do not appear to have been complied with. I am therefore

over.

SUBJECT.

under S 465 of Criminal Pro. Code, if a person committed for trial by a court of Session appears to the Court by reason of unsound mind and consequently incapable of making his defence to enquire, if in the absence of a trial with the assessors, the fact of the unsoundness of mind, and incapacity to make his defence, and subsequent judgment as required by S 465 of the Criminal Procedure Code in case of a person committed by a Court of Session, the mere statement of the Sessions Judge in the records may be considered sufficient.

in the absence of a bride with the adjoining plot of land

To enquire if from the appearance of the grounds of the Chief Court, the Statement of the Sessions Judge may be considered sufficient

unsoundness and incapacity as required by S 465 Cr. P. Code in the case of insane accused

a note in the notes

The entire records are returned herewith for retransmission with the reply.

Slet

Hon Reg Sept

List of enclosures,

Copied by 9-12-15

Examined by

GPB—10,000—28-2-11.

Re 2940 with record
223

Chief Court of Mysore,

Bangalore; dated the 16th December 1915.

DIARY No J 1787

From

M.P.Gopalaengar, Esq., B.A., LL.B.,

Registrar of the Chief Court of Mysore.

SECTION Pers.
FILE No. 8-15
ITEM No. 11.

To

The Secretary to the Government of Mysore,

General Department.

S i r ,

Adverting to your letter No: J.2245/Pris.3-15-10 dated the 13th instant re the procedure of the Sessions Judge of Bangalore in the Bangalore Sessions Case No: 4 of 1915-16, I am directed to state that the Judges think the procedure of the Sessions Judge was probably irregular, and that the Code requires that the opinion of the assessors should have been taken before a trial is postponed under section 465, and a repor made under section 466.

I am to observe that while the Chief Court is of course always ready to give the Government such assistance as it may be in the power of the Judges to render, it seems to be inexpedient that they should be asked to give advice on questio of law and procedure especially in actual cases which may have to be brought before them for judicial decision. The Judges think

think that the duty of advising the Government on such matters is properly that of the Government Advocate and not of the Chief Court.

The entire records in the case are retransmitted.

I have the honor to be,

S i r ,

Your most obedient servant

REGISTRAR.

H.C.C.

G. R. S. 26]

SUBJECT.....

.....

.....

*Diary No. of letter replied to*__ ____

Section Bii

File No. 8 - 15

Serial No. 12

General and Revenue Secretariat

( )

, *the* *191*

No. J 2778/En: Records

Date of issue 20. 1. 1916

To The Registrar, Chief Court

Signed by Sd: G. Sreenivasa for

Sir.

With reference to correspondence ending with your letter no 2960/2 dt 16/20 Dec 1915 I am directed to return the records in Bangalore Sessions Case No 4 of 1915-16 and to state that the fact of unsoundness of mind of Basavaiah and inca-pacity to make his defence has not been tried by the Sessions Judge as required by Sec 465 (1) of the

over.

Code of Criminal Procedure, 1904.

2. I am therefore to request that the papers may be transmitted for the orders of Govt. after recording the finding & judgment as required by law

J. Lancaster

Es
Hon'ble Rev Secy

Put
28/12/15

15/1/16

Chief Court of Mysore,

Bangalore, dated the 11th March 1916.

DIARY No J.2501

From

N.T.Gopaliengar, Esq., B.A., LL. B.,
Registrar of the Chief Court of Mysore.

To

D.M.Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
General Department.

S i r ,

With reference to your No: J.2778/Pris.8-15-12 dated 20th January 1916 I am directed to retransmit the record in Bangalore Sessions Case No: 4 of 1915-16 on the file of the Sessions Judge, Bangalore, together with the finding of the Sessions Judge in re the unsoundness of mind of Basaviah accused in the above case.

I have the honor to be,

S i r

Your most obedient servant,

N. Gopaliengar

REGISTRAR.

H.C.C.

Committing Basavaiah to the Lunatic Asylum

G.R.S. 28]

For File No. 8-15

Serial No. 21

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 191

& Papers inform

Date of issue 24th March 1916

Signed by Asst. Srinivasa Iyr

READ—

... Letter no 2503/1889 24 Nov 1915 from the Registrar, Chief Court, forwarding the records in Bangalore Sessions case No 4 of 1915-6 and a

~~ORDER THEREON.—No.~~

copy of a letter from the Sessions Judge Bangalore Dy. reporting, that Basavaiah having committed charged with the offence of murder in the above case was found to be of unsound mind and incapable

over

SUBJECT.

(2)

of making his defence.--

2. Correspondence ending with letter no 4348/3269 11th March 1916 from the same officer in the matter.

Order thereon.-No. J 3802-3 Encls 4 files to the Regr, Ch. Ct.

As it appears from the records in the case that the accused Basaviah is of unsound mind and incapable of making his defence, Govt direct, under Sec 466(b) of the Code of Crim Procedure, 1904, that the said Basaviah be confined in the Lunatic Asylum, Bangalore.

2. The attention of the Sessions Judge, Bangalore Dis, may be drawn to G.P. Nos 21347-58 | J1491, dt 6.6.1894 prescribing the channel for the communication of cases under Sec 466 & 471, Cr. Pro. Code.

17/3
for Rlo Secy

21.3.16.

(Typing Secretariat - Portion in brackets in one 'o'.)

To The Senior Surgeon with the intimation that copies of charge sheet &c have been furnished to the Senior Surgeon in charge of the Lunatic Asylum

The Registrar, Ch. Ct. returning the records

17/3